

ALAN BISHOP
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AUG 19 1996

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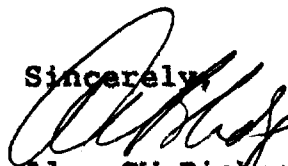
Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M St. NW
Washington DC 20554

Re: MM Docket No. 96-125
Hilton, NY

Dear Mr. Caton,

Enclosed are the replies of Alan SW Bishop d/b/a Hilton Broadcasting to the two comments filed in connection with the above-referenced rule making. As I am not represented by counsel, please contact me directly if you have questions regarding this filing.

Sincerely,



Alan SW Bishop
d/b/a Hilton Broadcasting

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC

RECEIVED
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FEDERAL COMMUNICATIONS COMMISSION

) In the Matter of;)	
))	
) Amendment of section 73.202(b))	MM Docket No. 96-125
) Table of Allotments)	
) FM Broadcast Stations)	RM-8807
) Hilton, NY)	
))	

To: Chief, Allocations Branch
Mass Media Bureau

REPLY TO COUNTERPROPOSAL

Alan Bishop, d/b/a Hilton Broadcasting hereby submits its reply to the counterproposal of Albion Broadcasting Associates ("Albion Broadcasting") in the above captioned rule making proceeding. Hilton Broadcasting opposes this counterproposal and believes that the original proposal to allot Channel 238A to Hilton, New York as that community's first local transmission service should be adopted. In support of this opposition to the Albion Broadcasting proposal, Hilton Broadcasting states the following:

1. In its counterproposal Albion Broadcasting states that Channel 238A should be allotted the Albion, New York because Albion is "larger and more significant" and they portray Hilton as a suburb "dependent on the City of

Rochester, New York". Certainly Albion has a mere 738 more people according to the 1990 census, but we cannot let the Commission believe that Hilton is dependent on the City of Rochester. Hilton is 22 km from Rochester and depends on agriculture, specifically apples, to employ many of its citizens.

2. Both Albion and Hilton are in the Rochester Metropolitan Statistical Area (US Gov't Office of Management and Budget), yet Albion sits squarely between Rochester and an even larger metropolitan area, Buffalo, New York. Thus Albion is dependent on both Rochester and Buffalo and receives far more commercial radio signals than does Hilton. Therefore, Hilton has a greater need for a first local broadcast service.

3. It is true that there are 28 stations currently allotted to Monroe County, but not one of them is allotted to Hilton. In the Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982) first local service is defined as first service in an incorporated community, not the county in which that community is located. Thus the fact that there are no allotments in Orleans County is irrelevant.

4. The public interest is best served by the continued operation of a new radio station. Due to its proximity to other communities with significant populations which also have no local service, Hilton is far more likely to be able to financially support a new station via advertising than Albion. It is not in the public's interest to allot a new

frequency that may never go on the air and, if it does, have it subsequently go dark. Therefore Hilton should get the requested allotment.

5. In Albion Broadcasting's Engineering Statement, they state that if Channel 238A is allotted to Albion it will be short spaced to two Canadian FM stations, CJBC, Belleville, Ontario and CKDS, Hamilton, Ontario. Albion Broadcasting plans to design an antenna system that has a directional envelope away from two Canadian stations. Thus it is more likely that Channel 238A allotted to Albion would cause interference over Canadian land area. In the original engineering statement for Hilton Broadcasting, the directional pattern would be away from only one Canadian station (CJBC, Belleville, Ontario) and there is only water between the Hilton site and CJBC.

For the reasons stated above, Hilton Broadcasting requests that the Commission deny the counterproposal of Albion Broadcasting and adopt the original proposal of Hilton Broadcasting to allot Channel 238A to Hilton, New York as that community's first local service. Clearly the public interest will be best served when Channel 238A goes on the air in Hilton. When the Commission allots Channel 238A to Hilton, Hilton Broadcasting will file an application for a construction permit and, when granted, will immediately construct the station and begin broadcasting.

Respectfully submitted,

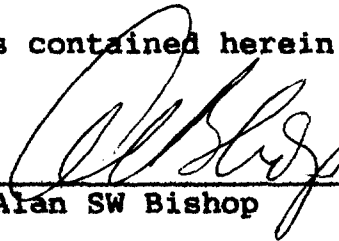


Alan SW Bishop
d/b/a Hilton Broadcasting

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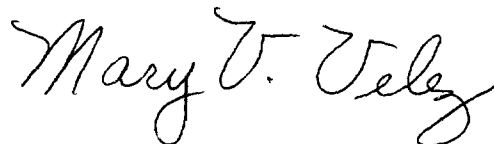
August 14, 1996

I certify that all the statements contained herein are true
to the best of my knowledge.



Alan SW Bishop

Subscribed and sworn
before me this 14th
day of August, 1996.

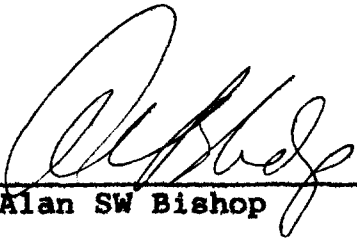


MARY V VELEZ
Notary Public, State of New York
No. 5006114
Qualified in Monroe County
Commission Expires February 13, 1997

CERTIFICATE OF SERVICE

I, Alan SW Bishop do hereby certify that copies of the foregoing document were sent, via first class mail, this 14th day of August, 1996 to the office of the following:

Albion Broadcasting Associates
c/o Shainis and Peltzman
2000 L Street, NW Suite 200
Washington, DC 20036



Alan SW Bishop